IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21748 of 2004

Between:

M.Ramachandraiah S/o.Durgaiah
Agriculture Department, Nalgonda Dist

..... PETITIONER

AND

1 The Mandal Revenue officer
Nalgonda Mandal, Nalgonda Dist.
2 The Station House Officer
I Town Police Station, Nalgonda Dist.
3 Modala Lingaiah S/o.Bakkaiah
R/o.Kothagudem Village, Nalgonda Mandal,
Nalgonda Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more in the nature of writ of Mandamus directing the respondent No.2 not to illegally confine in the police station and harass the petitioners for favouring the un-official respondent by declaring the action of the 2nd respondent in doing so as illegal.

Counsel for the Petitioner:MR.K.ANANTHA RAO

Counsel for the Respondents 1 and 2: GP FOR HOME

The Court at the stage of admission made the following ORDER:

Petitioner claims to be the owner of Ac.2.06 guntas of land in survey Nos. 288 and 289/A of Gollaguda village, Nalgonda Mandal. According to him, the rights of himself and his brother in respect of the said land were upheld by the Joint Collector through his proceedings dated 06.02.2003. He contends that the third respondent filed O.S.No.1292 of 1986 against him for perpetual injunction in respect of the said land and that the same was dismissed and affirmed in A.S.No.17 of 1989. The petitioner complains that despite these developments, respondents 1 and 2 are interfering with his possession over the land at the instance of the third respondent.

Heard learned counsel for the petitioner and learned Government Pleader for Home appearing for respondents 1 and 2.

The petitioner states that the third respondent filed O.S.No.1292 of 1986 against him for perpetual injunction and that the same was dismissed. The appeal preferred by the third respondent is also said to have been dismissed. A dispute arose between the petitioner and his brother on the hand and the third respondent and some other persons on the other. Proceedings were initiated under the A.P. Rights in Land and Pattadar Pass Books Act and through order dated 06.02.2003, the Joint Collector observed that the Judgments rendered in the suit and the appeal referred to above, cannot be ignored. Though it is not clear before this Court as to the nature of alleged interference by respondents 1 and 2, this much can be said that they cannot interfere with the rights of the

petitioner over the said land.

The writ petition is accordingly disposed of directing that respondents 1 and 2 shall not interfere with the rights of the petitioner over the land, be it at the instance of the third respondent or any other person. No order as to costs.

29.11.2004

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To

1 The Mandal Revenue officer
Nalgonda Mandal, Nalgonda Dist.
2 The Station House Officer
I Town Police Station, Nalgonda Dist.
3 Two CCs. to the Govt. Pleader for Home, High Court of A.P.,

Hyderabad (OUT)

4 Two CD copies.